

**SECOND 104(e) INFORMATION REQUEST**  
**URGENT LEGAL MATTER, PROMPT REPLY NECESSARY**  
**CERTIFIED MAIL: RETURN RECEIPT REQUESTED #7015 1520 0003 3990 6179**

Mr. Matthew Salmon  
14900 SE 79th Street  
Choctaw, Oklahoma 73020

Re: Information Request Pursuant to CERCLA Section 104(e), 42 U.S.C. §9604(e), Information Request for the Eagle Industries, Inc., Site in Midwest City, Oklahoma County, Oklahoma

Dear Mr. Salmon:

On September 29, 2017, the U.S. Environmental Protection Agency (EPA) sent by certified mail a 104(e) Information Request in connection with the Eagle Industries, Inc. Superfund Site, Midwest City, Oklahoma County, Oklahoma (Site). A copy of the letter is enclosed. The response was due on November 1, 2017. Pursuant to the authority of CERCLA Section 104(e), 42 U.S.C. § 9604(e), you are hereby requested to respond fully to the Request for Information in the EPA's September 28, 2017, 104(e) Information Request found as Enclosure 1.

The U.S. Environmental Protection Agency (EPA) seeks cooperation from Matthew Salmon in providing information and documents relating to the Eagle Industries (Site) in Midwest City, Oklahoma County, Oklahoma. Obtained information will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

We encourage you to give this matter your full attention, and we respectfully request you to respond to this request for information within **thirty (30) calendar days** of receipt of this letter. You may designate another official with the requisite authority to respond on behalf of yourself. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$54,789 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

If you have any questions concerning the Eagle Industries Site (Site) or this information request letter, please contact Ms. Anna Copeland, the designated Enforcement Officer for the Site, at phone number (214) 665-8144, fax number (214) 665-6660, or via email at [copeland.anntasia@epa.gov](mailto:copeland.anntasia@epa.gov). Please mail your response within 30 calendar days of your receipt of this request to the following address:

Ms. Anna Copeland, Enforcement Officer  
Superfund Enforcement Assessment Section (6SF-TE)  
U.S. EPA, Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Mr. Leonard Schilling, Assistant Regional Counsel at phone number (214) 665-7166, fax number (214) 665-6460 or via email at [schilling.leonard@epa.gov](mailto:schilling.leonard@epa.gov). For contact via mail, use the following address:

Leonard Schilling  
Office of Regional Counsel (6RC-S)  
U.S. EPA Region 6  
1445 Ross Avenue  
Dallas, Texas 75202-2733

Please give these matters your immediate attention. Thank you for your prompt attention to this matter.

Sincerely yours,

Ben Banipal, P.E., Branch Chief  
Technical and Enforcement Branch  
Superfund Division

Enclosures (2)

## **ENCLOSURE 1**

### **EAGLE INDUSTRIES, INC., SITE INFORMATION REQUEST**

#### **INFORMATION REQUEST**

Under the authority of Section 104(e) of Superfund, the EPA is requesting you to respond to the questions below and to provide any relevant information related to this Site. Relevant information may include information concerning the type and quantity of substances transported to or treated, stored, or disposed of at the Site and releases of hazardous substances at or from the Site.

If you have information about other parties who may have information which may assist the EPA in its investigation of the Site or may be responsible for the contamination at the Site, that information should be submitted within the time frame noted above.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), the EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (A) the identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at vessel or facility or transported to a vessel or facility; and,
- (B) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility; and
- (C) information relating to the ability of a person to pay for or to perform a cleanup.

While the EPA seeks your cooperation in this investigation, compliance with the Information Request is required by law. Failure to respond fully and truthfully to the Information Request within thirty (30) calendar days of receipt of this letter, or adequately to justify such failure to respond, can result in enforcement action by the EPA pursuant to Section 104(e) of CERCLA, as amended within. This statute permits the EPA to seek the imposition of penalties of up to \$54,789 for each day of continued non-compliance. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

Please be aware that your response may include information that you consider confidential business information. If you make a claim of confidentiality on any of the information you submit to the EPA, you must prove that claim for each document.

Instructions on how to respond to the Questions are described below. Please send your response to this Information Request to Ms. Anna Copeland at the address in the letter.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§3501 et seq.

## **INSTRUCTIONS and DEFINITIONS**

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."
7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

## **DEFINITIONS**

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document. The term "document" shall also mean any electronically stored information, including but not limited to emails, word processing files, spreadsheets, presentations, databases, geographic information system ("GIS") maps, computer-aided design files, scanned or digital photos, and scanned document images.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.),

organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" or "facility" shall mean and include the Eagle Industries, Inc., Site in Midwest City, Oklahoma.
10. The term "you" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
11. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
12. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

## **QUESTIONS**

1. Please provide Respondent's current legal name, Respondent's previous legal name(s), previous fictitious name(s), current phone number, and current fax number.
2. Does the Respondent wish to designate an individual for future correspondence from the U.S. Environmental Protection Agency that associates the Respondent to this Site? If yes, please provide the individual's name, address, telephone number, and fax number.
3. Please identify Eagle Industries' corporate parent and all of its corporate subsidiaries.
4. Identify the current owner and/or operator of the Site. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc.
5. If you are the current owner and/or current operator, did you acquire or operate the Site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.
6. At the time you acquired or operated the Site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you base the answer to the preceding question.
7. Identify all prior owners of the Site. For each prior owner, further identify:
  - a. The dates of ownership;
  - b. All evidence showing that they controlled access to the Site; and
  - c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.
8. Identify all prior operators of the Site, including lessors, of the Site, for each such operator, further identify:
  - a. The dates of operation;
  - b. The nature of prior operations at the Site;
  - c. All evidence that they controlled access to the Site; and
  - d. All evidence that a hazardous substance, pollutant, or contaminant was released or threatened to be released at or from the Site and/or its solid waste units during the period that they were operating the Site.
9. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

10. Did you ever use, purchase, generate, store, treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the preceding question is anything but an unqualified "no,":
- Identify the material(s), e.g., the chemical name(s) and composition or trade name(s).
  - Identify the time period(s) during which the material(s) was used.
  - Briefly describe the purpose for which the material(s) was used at the facility. If more than one use, describe each purpose and the time period(s) when each was used.
  - Identify the total volume (in gallons) of the material(s) used during the time period(s), i.e., if more than one time period is involved also provide the volume for each time period.
  - Briefly describe how and where the material(s) was stored at the facility.
  - Identify the approximate average volume of the material(s) stored at the facility and, if the storage practice changed during the period(s), identify how and when.
  - Identify the date(s) when the material(s) was delivered to the facility and in what volume(s).
  - Briefly describe how the material(s) was delivered to the facility, i.e., in bulk or in closed containers.
  - Identify the location(s) where the material(s) was used at the facility.
  - Briefly describe how the material(s) was transported from on-site storage at the facility to the point where it was applied, in what amounts, and how this was done, e.g., using containers, hoses, piping, and/or other equipment.
  - Briefly describe the procedure(s) for cleaning each piece(s) of equipment in which, at any time, the material(s) was stored, transported, and/or processed at the facility. Description should identify how, where, when, and by whom the item(s) of equipment was cleaned.
  - Briefly describe how and where containers for the material(s) were removed from the facility. If any of the practices described in your responses to the above sub-questions changed during the period that Respondent leased, owned, and/or operated the facility, describe the change(s) and when it occurred.
11. Did any leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants occur at or from the Site? If the answer to the preceding question is anything but an unqualified "no," identify:
- When such releases occurred;
  - How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).
  - The amount of each hazardous substances, pollutants, or contaminants so released;
  - Where such releases occurred;
  - Any and all activities undertaken in response to each such release or threatened release, including the notification of any agencies or governmental units about the release.
  - Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken; and
  - All persons with information relating to these releases



12. Provide copies of all current and past casualty, liability and/or pollution insurance policies including but not limited to comprehensive general liability, primary, umbrella and excess policies, as well as any environmental impairment liability or pollution legal liability insurance.
13. If there are any casualty, liability and/or pollution insurance which you have any evidence, or of which you are aware, but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:
- a. The name and address of each insurer and of the insured;
  - b. The type of policy and policy numbers;
  - c. The per occurrence or per accident policy limits of each policy;
  - d. Whether each such policy is “primary” or “excess”; and
  - e. The commencement and expiration dates of such policy.
14. Please provide a list of customers who sent products to be treated at the Site.
15. If you believe there may be any person(s) able to provide a more detailed or complete response to any of the preceding questions and/or sub-questions or any person(s) who may be able to provide additional responsive documents, please identify such person(s) and the additional information you believe they may have.

**ENCLOSURE 2**

**EAGLE INDUSTRIES, INC., SITE  
INFORMATION REQUEST**

**COPY - SEPTEMBER 29, 2017 LETTER**

Copeland 6SF-TE	Johnson 6SF-TE	Schilling 6RC-S	Peycke 6RC-S	Banipal 6SF-T